

**Federal Defenders
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January 19, 2022

By ECF and by e-mail

Honorable Richard M. Berman
United States District Court
Southern District of New York
500 Pearl Street
New York, New York 10007

Re: *United States v. Alixa Olivas Saucedo*, 21 Cr. 77

Dear Judge Berman:

I write to respectfully request that the Court, pursuant to Rule of Criminal Procedure 32(c)(1)(A)(ii), and schedule sentencing for a date convenient for the Court between February 8, 2022 and February 18, 2022. The Government – per Assistant United States Attorney Kedar Bahtia – objects to the waiver request, but does not object to an alternative request that the PSR be prepared on an expedited basis.


On January 14, 2022, Alixa Olivas Saucedo pleaded guilty to misprision of a felony, in violation of 18 U.S.C. § 4. As of the date of the plea, Ms. Saucedo had been incarcerated for exactly 364 days.

Under Federal Rule of Criminal Procedure 32(c)(1)(A)(ii), a Court may waive the Presentence Report where “it finds that the information in the record enables it to meaningfully exercise its sentencing authority under 18 U.S.C. § 3553, and the court explains its finding on the record.”

Here, there is virtually no information that the Probation Office will provide that will not be provided in our sentencing submissions. There is no dispute, for example, as to the Guidelines range of 21 to 27 months, as stipulated in the plea agreement;¹ Ms. Saucedo has no criminal history; and because Ms. Saucedo has lived almost exclusively in Mexico,

¹ Under separate cover, the Government has provided the plea agreement and transcript of the plea proceeding,

The Court will order an expedited PSR.
Sentence is scheduled for 2/23/22 at 9:00 am.
Defense submission is due 2/8/22. Government submission is due 2/15/22.

SO ORDERED:
Date: 1/20/22

Richard M. Berman, U.S.D.J.

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there are no collateral documents or interviews that the Probation Office will collect and summarize for the Court.

Here, waiver is particularly appropriate because the Court may conclude – on the basis of the parties’ submissions and subsequent argument – that the brutal year of incarceration that Ms. Saucedo has experienced in the Essex County Correctional Facility is sufficient to satisfy all the purposes of sentencing under 18 U.S.C. § 3553(a), and thus a longer delay in sentencing is not warranted.

If the Court grants the motion, I respectfully request that Defendant’s submission be due no later than January 25, 2022, and the Government’s response no later than February 1, 2022. If the Court denies the motion, I respectfully request that the Court direct the Probation Office to prepare the PSR on an expedited basis. As noted above, the Government does not object to this alternative request.

Thank you for your consideration of this request.

Respectfully submitted,

/s/ _____
Martin S. Cohen
Ass’t Federal Defender
(212) 417-8737

Cc: Kedar Bahtia, Esq., by ECF and by e-mail